K 1943

File No. B. Increase of Stamp Duties and Court Fees 43

Fiscal Department
B **BRANCH**

Subject:— A Bill to increase the stamp Duties and A Bill to increase Court Fees

(Bon Acts Nos. XIV and XV of 1943

12/B

File No. B Increase of Stamp Duties and Court Fees/43

Gen. 194

502:15

Office of the R.L.A.

Revised draft Bill and Statement are sent herewith.

2. The subject-matter of the Bill falls under entries 51 and 37 in the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. Clause 2 of the Bill, read with the Schedule, only deals with rates of stamp duty, which is expressly excluded from the entry 13 in List III. As the Bill does not relate to any matter in the Concurrent List, it is not necessary to reserve it for the consideration of the Governor-General with reference to section 107(2) of the Government of India Act, 1935, or paragraph (2)of the Proclamation.

Sd/-P.N.M. 15-12

Remembrancer of Legal Affairs.

M.R.D. U.R. to F.D.No.384,confl,dated the 15thx December 1943.

14-7-56
C.4

Office of the R.L.A.

Revised draft Bill and Statement are sent herewith.

2. The subject-matter of the Bill falls under entry 1 in the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. As the Bill does not relate to any matter in the Central Legislative List, it is not necessary to reserve it for the consideration of the Governor-General with reference to section 107(2)of the Government of India Act, 1935, or paragraph(2)of the Proclamation.

3. The presumption made in paragraph 2 of F.D. note at page 1 ante is correct.

Sd/-P.N.M.

Remembrancer of Legal Affairs.

M.R.D. 14-7-56 C.4

U.R. to F.D.No 385-Confl., dated the 15th December 1943.

No. 9485,
Legal Department,
Bombay Castle, 28th December 1943.

From

P.N.Moos, Esquire, Bar-at-law, I.C.S.,
Secretary to the Government of Bombay,

To

The Secretary to the Government of Bombay.

Subject:- The Bombay Increase of Stamp Duties Bill.

Sir,

With reference to your memorandum No.201(94), dated the 27th December 1943, addressed to the Finance Department, on the above subject, I am directed to forward herewith a copy of the Bombay Increase of Stamp Duties Bill prepared by His Excellency the Governor under paragraph(2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1)of the Government of India Act,1935, or falls within the purview of clause(a),(b)(c)or(d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject-matter of the Bill falls under entires 51 and 37 in the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935. Clause 2 of the Bill, read with theSchedule, only deals with rates of stamp duty, which is expressly excluded from the entry 18 in the List III. As the Bill does not relate to any matter in the concurrent List, it is not necessary to reserve it for the consideration of the Governor-General with reference to section 107(2)of the Government of India Act,1935, or paragraph(2)of the Proclamation.

4. As the proposed increase in stamp duties is to be made effective from the 1st January 1944, it is necessary to enact the Billimmediately so as to give some previous intimation to the administrative officers and the public. It is therefore requested that the assent of His Excellency the Governor

P.T.O.

so the Bill may kindly be obtained[2] and the Bill returned today.

5. The date which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

6. I also forwarded herewith one spare copy of the Bill.

Your obedient servant,

Id/-P.N.M.
28-12
Secretary to the Government of Bombay,
Legal Department.

Through

The Joint Secretary to the Government of Bombay,
Finance Department.,

M.R.D
16-7-56
C.4

No.9486.
Legal Department,
Bombay, Castle, 28th December 194.

From.
P.N.Moos, Esquire, Bar-at-Law, DC.S.,
Secretary to the Government of Bombay,

To.
The Secretary to the Governor of Bombay.

Subject:- The Bombay Increase of Court-fees Bill.

Sir,

With reference to your memorandum No.201(94)dated the27th December 1943, addressed to the Finance Department on the above subject, I am directed to forward herewith for the assent of His Excellency the Governor a copy of the Bombay Increase of of Court-fees bill prepared by His Excellency the Governor under paragraph(2) of the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill affects any special responsibility of the Governor under section 52(1)of the Government of India Act,1935, or falls within the purview of clause(a),(b),(c)or(d)of paragraphXVII of the Instrument of Instructions to the Governor of Bombay.

3. The subject-matter of the Bill falls under entry 1 in the Provincial Legislative List in the Seventh Schedule to the Government of India Act, 1935, As the Bill does not relate to any matter in the concurrent Legislative List, it is not necessary to reserve it for the consideration or the Governor-General with reference to section 107(2)of the Government ofIndia Act, 1935,or paragraph(2)of the Proclamation.

4. As the proposed increase in court-fees is to be made effective from the 1st Janary 1944 it is necessary to enact the Bill immediately so as to give some previous intimation to the administrative officers and the public. It is therefore requested that the assent of His Excellency the Governor to the Bill may kindly be obtained and the Bill returned to day.

5. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

6. I also forward herewith one sapre copy of the Bill.

Your obedient sergant.;

Id/-P.N.M.
28-12

Secretary to the Government of Bombay,

Legal Department.

Through

The joint Secretary to the Government of Bombay,

Finance Department.

M.R.D.
16-7-5
C.4

IMMEDIATE.

No.201(94)
Office of the Governor's Secretary,
Government House,
Bombay 28th December 1943.

From

D.Sumington, Esquire, CIE.ICS.
Secretary to the Governor of Bombay,

To.

The Secretary to Government,
Legal Department, Bombay,

Subject:- (1) Bombay Increase of Court-fees Bill,
(2) Bombay Increase of Stamp Duties Bill, 1943.

Sir,

With reference to your letters Nos.9485 &9486 dated the 28th December 1943, I am directed to return herewith copies of(1)the Bombay Increase of Court-fees Bill.1943and(2)the Bombay Increase of Stamp Duties Bill,1943,prepared by His Excellency the Governor under paragraph(2)of the Proclamation dated 4th November 1939,issued by him under section 93 of the Government of India Act, 1935, and to state that His Excellency the Governor is pleased to declare that he assents to the two Bills in the name of His Majesty.

Your obedient servant,

Sd/-
Secretary to the Governor of Bombay.

M.R.D.
16-7-56
C.4

I that under the provision of the aforesaid paragraph

Acts.

Publication of the Bombay Increase of Stamp Duties Act, 1943.

GOVERNMENT OF BOMBAy.
Legal Department
Resolution No.9525
Bombay Castle,29th December 1943.

Letter to the Secretary to the Governor,No.9445dated the 28h December 1943.

Letter from the Secretary to them Governor,No.201(94),dated the 28th December 1943.

"With feference to your letter Nos.9485and9486 dated the 28th December 1943, I am directed to return hsrewith copies of (1)the Bombay Increase of Court-fees Bill,1943and(2)the Bombay Increase of Stamp Duties Bill,1943, prepared by His Excehlency the Governor under paragraph(2) of the Proclamation, dated 4th November 1939,issued by him under section 93 of the Government of India Act, 1935,and to state that under the provisions of the aforesaid paragraph, His Excellency the Governor is pleased to declare that he assents to the two Bills in the name of His Majesty.".

Resolution:- The law should be published as Bombay Act.No. XIXof 1943,in the Bombay Government Gazette dated the 29th December 1943.

2. The Act should be translated into Marathi,Ghjarati, Kannada and Hindustani(in Urdu and Devangari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Finance Department.

By order of the Governor of Bombay,
Sd/-
P.N.MOOS,
for Secretary to Government.

To
The Manager, Government Central Press, Bombay(with a copy of the and with a request that 15 gazette copies of the Act may be forwarded to the Legal Department.
The Finance Department.
*The Oriental Translator to Government
The Secretary to the Bombay Legislative Council.
The Secretary to the Bombay Legislative Assembly
} with a copy of the Act.

*With five extra copies.

M.R.D.
16-7-56
C.4

Publication of the Bombay Increase of Court-fees Act, 1943

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No.9526
Bombay Castle, 29th December 1943.

Letter to the Secretary to the Governor, No.9486, dated the 28th December 1943.

Letter from the Secretary to the Governor No.201(94), dated the 28th December 1943):-

"With reference to your letters Nos.9485 & 9486 dated the 28th December 1943, I am directed to return herewith copies of (1)the Bombay Increase of Court- fees Bill,1943 and (2)the Bombay Increase of Stamp Duties Bill,1943 prepared by His Excellency the Governor under paragraph(2)of the Proclamation, dated the Government of India Act, 1935, and to state that- under the provisions of the aforesaid paragraph, His Excellency the Governor is pleased to declare that he assents to the two Bills in the name of His Majestry."

RESOLUTION-; The law should be published as Bombay Act NoXV of 1943, in the Bombay Government Gazette dated the 29th December 1943.

2. The Act should be translated in to Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devanagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A Copy of the Act should be forwarded to the Finance department.

By order of the Governor of Bombay
Sd/-
P.N.MOOS,
for Secretary to Government,

To.
The Manager, Government Central Press, Bombay, (with a copy of the Act and with a request that 15 gazette copies of the Act may be forwarded to the Legal Department);
The Finance Department;
*The Oriental Translator to Government; } with a copy
The Secretary to the Bombay Legislative Council; } of the Act.
The Secretary to the Bombay Legislative Assembly;

*With five extra copies.

M.R.D.
16-7-56
C.4

Ex Ltr 6th N-V-1939, issued by him under section 93 of...

STATEMENT.

Government has decided to increase, by a surcharge of 50%, the stamp duties legiable under the Indian Stamp Act, 1899, as amended from time to time in its application to the Progince of Bombay other than those leviable in respect of bills of exchange, cheques, promissiory notes, bills of leading, letters of credit, policies of insurance, proxies and receipts. The Bill provides for this increase from 1st January 1944, as also discontinuance when Covernment so directs.

M.R.D.
7-56
C.4

STATEMENT

Government had decided to increase, by a surcharge of 50%, the stamp duties leviable under the Indian Stamp Act, 1899, as amended from time to time in its application to the Province of Bombay other than those leviable in respect of bills of exchange, cheques, promissiory notes, bills of lading, letters of credit, policies of insurance, proxies and receipts. The Bill provides for this increase from 1st January 1944, as also its discontinuance when Government so directs.

M.R.D.
16-7-56
C.4

STATEMENT.

Government has decided to increase by a surcharge of 25% of the fees leviable under the Court-fees Act, 1870, as amended from time to time in it application to the Provincie of Bombay. The Bill provides for this increase from the 1st of January 1944, as also its discontinuance when Government so directs.

M.R.D.
16-7-56
C.4

STATEMENT.

Government has decided to increase by a surcharge of 25% the fees laviable under the Court-fees Act, 1870, as amended from time to time in its application to the province of Bombay. The bill provides for this increase from the 1st of January 1944,as also its discontinuance when Government so directs.

M.R.D.
.6-7-56
C.4